

RECEIVED
CENTRAL FAX CENTER

MAY 30 2007

PTO/SB/30 (07-06)

Approved for use through 09/30/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/921,844
Filing Date	August 3, 2001
First Named Inventor	Gary K. Michelson
Art Unit	3738
Examiner Name	Bruce E. Snow
Attorney Docket Number	101.0084-01000

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-3728. I have enclosed a duplicate copy of this sheet

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

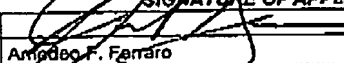
iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

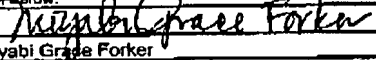
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	May 30, 2007
Name (Print/Type)	Amadeo F. Ferraro	Registration No.	37,129

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	May 30, 2007
Name (Print/Type)	Miyabi Grace Forker		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER**

MAY 30 2007

MARTIN & FERRARO, LLP
ATTORNEYS AT LAW
1925 Century Park East, 17th Floor
Los Angeles, California 90067

Telephone
(310) 286-9800

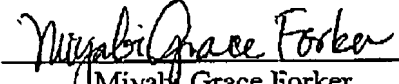
Facsimile
(310) 286-2795

FACSIMILE TRANSMITTAL

TO:	FROM:
Name: Mail Stop RCE Group Art Unit 3738/Examiner Bruce Snow	Name: Amedeo F. Ferraro, Esq.
Firm: U.S. Patent & Trademark Office	Phone No.: 310-286-9800
Fax No.: 571-273-8300	No. of Pages (including this): 33
Subject: U.S. Patent Application No. 09/921,844 Gary K. Michelson Filed: August 3, 2001 SPINAL IMPLANT SURFACE CONFIGURATION Attorney Docket No. 101.0084-01000 Customer No. 22882 Confirmation No.: 8295	Date: May 30, 2007 Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; the total amount of \$910.00 to cover the \$790 RCE fee and the \$120.00 one month extension of time fee to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE) (in duplicate), Amendment, with 1 annotated sheet and 1 replacement sheet of drawings, and Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on May 30, 2007.


Miyabi Grace Forker

If there is a problem with this transmission please call the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

Attorney Docket No.: 101.0084-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 09/921,844

Filed: August 3, 2001

For: SPINAL IMPLANT SURFACE
CONFIGURATION

Confirmation No.: 8295

Group Art Unit: 3738

Examiner: Bruce E. Snow

RECEIVED
CENTRAL FAX CENTER

MAY 30 2007

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination and Amendment in reply to the final Office Action dated February 21, 2007 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a one (1) month extension of time to respond to the above office action.
- ☒ Information Disclosure Statement and Form PTO-1449 are enclosed.

The fee has been calculated as shown below:

The fee has been calculated as shown below.

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	117	-	127	0	LG=\$50 SM=\$25	\$60	\$ 0
INDEPENDENT CLAIMS FEE	3	-	3	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180		\$ 0
TOTAL							\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$910.00 to cover the \$790.00 RCE fee and the \$120.00 one month extension fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 30, 2007

By: Amedeo F. Ferraro
Registration No. 37,1291557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030